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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,469	12/18/2001	Manabu Nishizawa	100809-00106(SCEY 19.288)	6181
26304	7590	01/26/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			MOSSER, ROBERT E	
			ART UNIT	PAPER NUMBER

3714

DATE MAILED: 01/26/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,469

Applicant(s)

NISHIZAWA ET AL.

Examiner

Robert Mosser

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☒ Claim(s) 1,6,9,10,15,18 and 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claims 1, 9, 10, and 18 are objected to because of the following informalities: In line three of the claim as presented the phrase reading "of selection tables of having" is improper and should read "of selection tables each having". Appropriate correction is required.
3. Claims 6, 15, and 23 are objected to because of the following informalities: In line three of the claim as presented the phrase reading "varying change-amount" is improper and should read "varying a change-amount". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 11, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what the applicant means by the word "fastening". For the purposes of examination however fastening has been interpreted as displaying.

5. Claims 3, 12, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what the applicant means by the phrase "at least one of both". Where in the bounds of the phrase "at least one" and "both" only serve to contradict each other. For the purposes the above has been treated as at least one.

6. Claims 4-6, 13-15, and 21-23 recites the limitation "the parameter" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1,2,4,5,7,9,10,11,13,14,16,18,19,21,22, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by White (US 5,386,494) or alternatively rejected under 35 U.S.C. 102(e) as being anticipated by Wang (US 6,456,977).

White teaches an object display method capable of selecting a selecting table (White100; Wang 64,66) from a plurality of selection tables wherein each selection table further includes a plurality of event information that indicates the operations of an object (White105; Wang 68,70). White further discloses the selecting of an event from the selected selection table and the controlling the display object to conduct operations in accordance with the event selected (White 119, Wang 20) in a cursor control device of White (White Figure 5 & 6) or alternatively in a voice control module for a game controller of Wang. Further the invention of White discloses the steps of recognizing voice and controlling the display of objects based on the voice recognition step (White Figure 5; Wang Col 4:18-55).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 3, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over either White (US 5,386,494) or Wang (US 6,456,977) ^{each} in further view of Niwa (US 6,371,856). mal

White and Wang are silent regarding the use of random numbers for the selection of event information, however Niwa teaches the inclusion of random number for determining the progression of a game.

It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the random numbers of Niwa into the invention of either White or Wang in order to keep a game from being predictable by random events (Col 9:42-10:49).

9. Claims 6, 15, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over White (US 5,386,494) either Wang (US 6,456,977) ^{each} in further view of Tsai et al (US 6,352,432). mal

White and Wang are silent as to varying the change amount based on the volume of the voice recognized at the voice recognition step, however Tsai et al discloses the use of voice volume for the variation of parameters in a battle game

(Figure 11 & Elm s94-s97). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the voice volume dependence of Tsai et al in the invention of White in order to expand the input range by capturing volume data.

10. Claims 8,17, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US 6,456,977) in view of Logg (US 4,905,147)

Wang teaches the use of weapons (68) and the selection means described above in the rejections under 35 U.S.C. 102(b) but is silent as to the number of game characters or that the controls are specifically related to a combat game. Logg teaches the use of multiple player characters in a game. It would have been obvious for one of ordinary skill in the art at the time of invention to have incorporated the multiple characters of Logg in the invention of Wang in order to allow the player voice control of multiple characters rapidly (Col 1:13-38).

Conclusion

11. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Blair et al (Re 33,662) discloses the use of random numbers for determining an attack type.

13. Best (US 4,445,187) discloses a video game with responsive voice dialog.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (703)-305-4253. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

A handwritten signature in black ink, appearing to read 'MS', with a long horizontal flourish extending to the right.

MARK SAGER
PRIMARY EXAMINER

REM